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GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

Date: February 5, 2016

To: Chiefs and Sheriffs
Cc: EDI Operators

Subject: **CPRA REQUEST: RELEASE OF RESERVE PEACE
OFFICERS' INFORMATION**

IMMEDIATE ACTION REQUIRED

The Commission on Peace Officer Standards and Training (POST) has received a California Public Records Act (CPRA) request from the California Reserve Peace Officers Association (CRPOA) requesting a list of names of active Reserve Peace Officers in the State of California, date they were appointed as a Reserve Peace Officer, their employing agency and Reserve Level.

Background:

On August 27, 2007, the California State Supreme Court ruled that some information in the Peace Officer Database, maintained by POST, is public information subject to release to a CPRA request. For the full text of the court decision, go to:

<http://caselaw.lp.findlaw.com/data2/californiastatecases/s134072.pdf>

In its decision, the California State Supreme Court acknowledged that some peace officers could be at risk if their names were made public. To protect the identity of peace officers assigned to sensitive or hazardous assignments, departments were offered the opportunity to redact the names of what the court recognized as "particular officers." These redactions were made though POST's encrypted Electronic Data Interchange (EDI) system.

Current Request:

To comply with the current request from the CRPOA, POST will provide all departments with access to the information requested for release through EDI.

It is recommended that each department designate only one EDI operator to process the department's response back to POST. Once you, the department head, have decided which, if any, names are to be protected from release, the designated EDI operator will use the CPRA function in EDI to check the names to withhold and click "Save." If no names are to be redacted, the EDI operator will click the "Do Not Withhold" button to verify they have received this notice. POST will then generate a file, without the redacted names, and provide the information requested.

Departments wishing to withhold names from the response to the CPRA request should contact their legal advisor. POST is not the custodian of any information that can be used to justify a department's decision that a particular officer's name should be exempt from disclosure. The officer's employer is the only entity able to claim the exemption and justify withholding names. For this reason, it is expected that if the redacted names are challenged in legal proceedings, the department that claimed the exemption will become involved in the legal proceeding in order to justify the exemption.

To allow departments' sufficient time to respond, it is requested that EDI operators transmit the requested information to POST no later than **5 P.M. on Friday, February 19, 2016**. If departments do not respond to this request, it will be assumed there are no names to be redacted.

The requested material is scheduled for release to the CRPOA on **Monday, February 29, 2016**. Questions regarding EDI access may be directed to the POST EDI Helpdesk, at (877) 275-5872. Questions regarding this CPRA request may be directed to Analyst Linda Thach at (916) 227- 4854 or linda.thach@post.ca.gov, or me at (916) 227-2809 or dave.cornejo@post.ca.gov.

Thank you for your assistance and cooperation in responding to this request.

Sincerely,

DAVE G. CORNEJO
Assistant Executive Director
Administrative Services Division